

EXHIBIT D

Corbett, Christine

From: jeffrey.homrig@weil.com
Sent: Monday, April 14, 2008 10:58 AM
To: Corbett, Christine
Cc: Fowler, Mark; edward.reines@weil.com
Subject: Re: SUN/NET APP [6053 Action] - 4/9/08 Ltr to Jeffrey Homrig from Christine Corbett

Christine,

I write to follow up on your April 9 letter concerning Sun's request to stay the litigation with respect to the '292, '211, and '001 patents. Because the judicial system provides the most efficient, reliable way to resolve this dispute, NetApp does not consent to the stay. Moreover, NetApp does not agree to an expedited motion schedule. NetApp's opportunity to evaluate and respond to Sun's arguments should not be cut short; neither should the Court be deprived of a full opportunity to consider the papers once filed.

Please let me know if you have any questions. Thank you.

Best regards,

Jeff

"Corbett, Christine" <Christine.Corbett@dlapiper.com>
To: <jeffrey.homrig@weil.com>, "Fowler, Mark" <Mark.Fowler@dlapiper.com>
CC: <edward.reines@weil.com>
04/11/2008 06:01 PM
Subject: Re: SUN/NET APP [6053 Action] - 4/9/08 Ltr to Jeffrey Homrig from Christine Corbett

Jeff,

Thank you for your email. Sun requests a stay of the litigation with respect to the '292, '211 and '001 patents until, as to each patent, the PTO either issues its final office action regarding the patent, or issues a reexamination certificate as to the patent. At that point, the stay would be lifted and the parties can revisit whether a further stay is warranted.

As we discussed on the phone, we need to know no later than Monday morning whether NetApp will stipulate to a stay of the action with respect to the '292, '211 and '001 patents. If it helps, we can extend that time to Monday at 12pm. I look forward to hearing from you.

Regards,
Christine

----- Original Message -----

From: jeffrey.homrig@weil.com <jeffrey.homrig@weil.com>
To: Corbett, Christine

4/14/2008

Cc: edward.reines@weil.com <edward.reines@weil.com>
Sent: Fri Apr 11 16:03:54 2008
Subject: Fw: SUN/NET APP [6053 Action] - 4/9/08 Ltr to Jeffrey Homrig from Christine Corbett

Christine,

In the attached April 9 letter, Sun requests that NetApp agree to "a stay of this action" with respect to the '292, '211, and '001 patents, but does not explain the parameters of the proposed stay. So that we fully understand Sun's proposal, please let know how Sun intends to define the parameters of the stay it seeks (e.g., for some fixed period of time, until some specified event occurs, or some other formulation). If you can provide us with this information by Monday morning, we can assure you of a definitive response to the proposal by close of business on Tuesday.

Thank you.

Best regards,

Jeff

----- Forwarded by Jeffrey Homrig/SV/WGM/US on 04/11/2008 04:00 PM -----

"Manzano, Carmen" <Carmen.Manzano@dlapiper.com>

04/09/2008 03:09 PM

To

<netapp_service@weil.com>

cc

Subject

SUN/NET APP [6053 Action] - 4/9/08 Ltr to Jeffrey Homrig from Christine Corbett

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Thank you.

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Thank you.

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4/14/2008